

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PHILLIP D. HATTEN,

Defendant.

4:11-CR-3088

ORDER

This matter is before the Court on the defendant's pro se motion (filing 45) for a sentence reduction pursuant to 18 U.S.C. § 3582(c), on the basis of his post-sentence rehabilitation and personal growth. While the defendant's efforts at self-improvement are commendable, the Court lacks the authority to grant his request.


Section 3582(c) does not permit the court to modify a term of imprisonment except in a narrow set of circumstances. The Court may grant a sentence reduction only if either (1) the Director of the Bureau of Prisons has moved for such a reduction, or (2) some other statute or rule expressly permits the Court to grant a reduction. *Id.* Here, the defendant made the motion for a sentence reduction, not the Director of the Bureau of Prisons. Additionally, there is no other statute or rule that would allow the Court to reduce the defendant's sentence based on his post-sentence rehabilitation. As a result, the Court has no authority to grant the requested sentence reduction.

IT IS ORDERED:

1. The defendant's pro se motion for a sentence reduction (filing 45) is denied.

Dated this 16th day of October, 2015.

BY THE COURT:



John M. Gerrard
United States District Judge